

PROB 12C
{7/93}

Report Date: December 30, 2013

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 30 2013

~~SEAN F. McGAHOY, CLERK
DEPUTY
VICTIM, WASHINGTON~~

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Elias Bustos Espana

Case Number: 2:08CR02052-001 &
2:08CR02053-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: February 11, 2009

Original Offense: 2:08CR02052-001

Cts. 1-3: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)
Cts. 4-6: Unlawful Sale of a Firearm, 18 U.S.C. § 922(d)

2:08CR02053-001

Cts. 1-4: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence: **Prison 48 months**
 TSR 36 months

Type of Supervision: Supervised Release

Asst U.S. Attorney: Alison J. Gregoire

Date Supervision Commenced: November 1, 2011

Defense Attorney: Alison Klara Guernsey

Date Supervision Expires: October 31, 2014

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

Mandatory Condition #2: The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Mr. Espana was charged with no contact/protection order violation, Yakima Municipal Court, case number I00005270, on December 18, 2013.

On December 27, 2013, the probation office received a notice indicating Mr. Espana had been cited for a no contact/protection order violation. A records check confirmed this incident had occurred.

According to the Yakima Police Department incident report, on December 17, 2013, at approximately 1610 hours, officers responded to 401 South 40th Avenue regarding a fight in progress. Dispatch also advised that the caller stated there was a violation of protection.

Prob12C

Re: Espana, Elias Bustos**December 30, 2013****Page 2**

order involved. The suspect identified as Elias Espana by the reporting party was supposed to be driving a white Ford Thunderbird in the area. Upon arrival, the officers were advised that the suspect may be in the drive-through at the Jack-in-the-Box restaurant. The officers observed a white Ford Thunderbird, occupied by one male, exit the drive-through. The officers stopped the vehicle at the parking lot and identified the driver as Elias Espana. Mr. Espana was detained in the vehicle at the location while the officer spoke with the reporting party and her boyfriend in another area of the parking lot.

The victim advised Mr. Espana is her ex-boyfriend and the father of her son, who was in the vehicle. She advised she parked in the parking lot and entered Albertsons grocery store. When she came out, she found the defendant and her boyfriend physically fighting beside her van. She reported there is a no contact order against Mr. Espana, so she called the police. She reported when she yelled she was calling the police, Mr. Espana walked away, got in his car, and drove away.

The officer spoke to the victim's boyfriend, and he advised that he was waiting in the van with Mr. Espana's son, when he noticed someone walk to the passenger side of the van. He found Mr. Espana standing beside the van and opened the door to ask him what he was doing. Mr. Espana told the victim's boyfriend that he was wanting to say hello to his son. To avoid a confrontation in front of the child, the boyfriend allowed Mr. Espana to say hello to his son. The defendant's son then called the boyfriend "dad," while Mr. Espana was speaking to him, and Mr. Espana became upset. Mr. Espana began arguing with the boyfriend and took up a fight stance. The boyfriend took off his jacket because he believed that Mr. Espana was going to fight him. Mr. Espana began throwing punches at the boyfriend, and the boyfriend fought back. The boyfriend did have a large red mark on his left cheek, which he stated was caused by Mr. Espana hitting him. The boyfriend advised he was interested in pursuing assault charges.

The officer did a WACIC check and found that there is a valid and served protection order between Mr. Espana and the victim. The order also listed Mr. Espana's son as a protected person, and the defendant is listed as the respondent. The order listed as number 11-3-0092-4 did have boundary restrictions of 500 feet. The order was issued on August 9, 2013, which expires June 1, 2014.

Mr. Espana was arrested for violation of the protection order, and the officer Mirandized him at the scene. Mr. Espana was subsequently booked at Yakima City Jail and charged with violation of the protection order.

According to the Yakima Municipal Court docket, on December 18, 2013, Mr. Espana plead guilty to the charge and was sentenced to 364 days jail with 362 days suspended, and a \$593 financial obligation.

2

Standard Condition #11: The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

Supporting Evidence: Mr. Espana failed to report law enforcement contact within 72 hours of being charged with a no contact/protection order violation on December 17, 2013.

Prob12C

Re: Espana, Elias Bustos
December 30, 2013
Page 3

Mr. Espana reported to the probation office on December 19, 2013, but as of December 27, 2013, Mr. Espana has failed to report his law enforcement contact.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 30, 2013

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other

Jean P. Hutton

Signature of Judicial Officer

12/30/2013

Date